

Appl. No. 09/944,318
Amendment with Restriction Election and Traversal
Reply to Office action of February 24, 2005

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REMARKS / DISCUSSION OF ISSUES

Claims 1-20 and 22 are pending in the application.

Applicant(s) respectfully request(s) the Examiner to acknowledge the claim for foreign priority and receipt of any certified copies of priority document(s) provided earlier.

The Office action restricts the invention to one of the following groups of claims:

- I. Claims 1-12, drawn to a device,
- II. Claims 13-21, drawn to a system.

In response, applicant(s) provisionally elect(s), with traverse, to prosecute claim(s) 1-12, identified as species I, along with newly added claim 22 drawn to the same species. Applicant(s) reserve(s) the right to prosecute the subject matter of the nonelected claim(s) in a divisional or other continuing application.

Applicants' traversal is based at least on the fact that the device and the system are so closely related that searching all the claims together would not impose an undue burden on the Examiner.

MPEP § 803 - Restriction - When Proper

... If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The claims are amended for non-statutory reasons, to correct one or more informalities, remove figure label number(s), and/or to replace European claim phraseology with U.S. claim language having the same intended meaning. The claims are not narrowed in scope. New dependent claim 22 is added to at least partially restore the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

Claim 21 is canceled without prejudice or disclaimer of the subject matter, in order not to have to pay an additional claim fee (due to the addition of claim 22) until

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we learn whether the restriction requirement is withdrawn. Applicants reserve the right to prosecute the subject matter of the canceled claim at a later time.

Withdrawal of the restriction requirement and examination of the application on its merits are now respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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